

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Maria L. Salazar	)	File No. EB-02-KC-174
Licensee, Station KTCM(FM)	)	NAL/Acct. No. 200232560011
Kingman, Kansas	)	FRN 0003-7578-12

**MEMORANDUM OPINION AND ORDER**

**Adopted: December 9, 2005**

**Released: December 12, 2005**

By the Commission:

1. By this Memorandum Opinion and Order, we grant in part the petition for reconsideration (“petition”)<sup>1</sup> filed by Maria L. Salazar (“Salazar”), licensee of Station KTCM(FM), Kingman, Kansas and owner of antenna structure # 1057462, of the Memorandum Opinion and Order (“Order”) released March 16, 2004.<sup>2</sup> The Order found that Salazar failed to operate as authorized in willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (“Act”) and Section 73.1350(a) of the Commission’s Rules (“Rules”),<sup>3</sup> failed to maintain antenna structure lighting in willful and repeated violation of Sections 303(q) of the Act and Section 17.51 of the Rules,<sup>4</sup> and failed to comply with the Emergency Alert System, the main studio and the public information requirements in willful and repeated violation of Sections 11.35(a), 73.1125(a) and 73.3526 of the Rules.<sup>5</sup> Based on the findings, the Order assessed a forfeiture in the amount of thirty-four thousand dollars (\$34,000) against Salazar.

2. In her petition, Salazar provided new information regarding her financial condition. Given the new information, we are reducing the forfeiture amount from \$34,000 to \$15,500. As reduced, the forfeiture amount is well below the \$39,000 total of the base forfeiture amounts established for her multiple violations and thus we need not address Salazar’s additional argument that minor differences in some of the base forfeiture amounts render those amounts arbitrary and capricious. Moreover, we find that \$15,500 is not an excessive forfeiture given the gravity and duration of the violations.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 405 of the Act<sup>6</sup> and Section 1.106

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<sup>1</sup>Petition for Reconsideration (“petition”) (received at the Commission on April 13, 2004).

<sup>2</sup>*Maria L. Salazar*, 19 FCC Rcd 5050 (2004) (“Order”).

<sup>3</sup>47 U.S.C. § 301, 47 C.F.R. § 73.1350(a).

<sup>4</sup>47 U.S.C. § 303(q), 47 C.F.R. § 17.51.

<sup>5</sup>47 C.F.R. §§ 11.35(a), 73.1125(a) and 73.3526.

<sup>6</sup>47 U.S.C. § 405.

of the Rules,<sup>7</sup> the Petition for Reconsideration filed by Maria L. Salazar of the Commission's March 16, 2004 Order for the NAL/Acct. referenced above **IS GRANTED TO THE EXTENT NOTED HEREIN.**

4. Payment of the \$15,500 forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this Memorandum Opinion and Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>8</sup> Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>9</sup>

5. **IT IS FURTHER ORDERED** that a copy of this Memorandum Opinion and Order shall be sent by First Class and Certified Mail Return Receipt Requested to David Tillotson, Esq., counsel for Maria L. Salazar, at 4606 Charleston Terrace, N.W., Washington, D.C. 20007-1911.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>7</sup>47 C.F.R. § 1.106.

<sup>8</sup>47 U.S.C. § 504(a).

<sup>9</sup>See 47 C.F.R. § 1.1914.